

What is your organisation or group's name?

Sawday's

Do you have any comments on the structure or clarity of the Draft Guidance?

Consumer protection is essential and we welcome this. However, certain proposed measures could compromise the operations of agencies and significantly impact them, include our company. The proposals will heighten fraud risks, infringe on property owner privacy (GDPR risks) and threaten the industry's integrity. There are no specifics relating to self catering holidays and agencies operating in this sector where specific clarity is needed.

Do you have any comments on the illustrative examples of commercial practices applying the prohibitions? Are there any areas where you think additional examples could usefully be reflected in the Draft Guidance?

9.11.b indicates, 'that the total price of the product (including any mandatory fees, taxes, charges or other payments that the consumer must pay if they purchase the product). 9.19.d indicates, 'local taxes and other fees that become payable on arrival at hotels'. Several authorities have implemented these tourist taxes/levies, or indicated they will implement taxes (e.g. Wales, Scotland, Liverpool and Manchester). With self catering accommodation it's often the case that accommodation is not filled to its capacity. For example, two people may choose to stay in a place that has two bedrooms that accommodates 4 people. Although this will not affect the property's price, it will influence the amount payable for the tourism levy if it is calculated on a per person basis. 9.20 may be problematic for certain guests staying in self catering holiday accommodation, for example those guests who travel with their dogs, for which there is an additional charge. Another example, is firewood for heating a hot tub or fire, for which they may be an additional charge. It's unlikely that the charge would apply to some people at certain times of the year (e.g. you will not require a fire in summer). Some further guidance and examples for the holiday sector and treating an optional charge as mandatory will be important. In these cases, while a consumer may be inclined to select the optional extra due to the nature of the service, it is not guaranteed - particularly if, for instance, they do not own a dog or have fewer dogs than the maximum allowed.

Do you have any comments on the Draft Guidance on the ‘drip pricing’ provisions in the DMCC Act (found in the ‘Material pricing information’ section of Chapter 9 of the Draft Guidance), including the illustrative examples? In particular, are there any specific pricing practices that have not been included in the ‘drip pricing’ illustrative examples which you think it would be helpful to include, and if so, what should such further guidance specifically cover?

Requiring a damage deposit is common in the self catering holiday accommodation sector due to the potential costs of damage caused by guests and the challenges of recovering reimbursement after guests have left. If no damage has occurred then this amount is refunded. If damage has occurred then an appropriate amount is used from the deposit. Including this damage deposit in the headline price would be misleading for the customer and potentially inaccurate. There is also no standard amount applied for deposits in the sector and so unintentionally price variations could be significant.

Do you have any comments on the Draft Guidance on the banned practice relating to fake consumer reviews (found in Annex B to the Draft Guidance)?

13.2 Tackling fake reviews is welcome. However, it’s important to recognise that some review websites now encourage their clients (companies) who pay to be on their review website to encourage positive reviews from the client’s customers. This was investigated and exposed by Which consumer group a few years ago <https://www.which.co.uk/news/article/did-travel-companies-pay-their-way-to-better-ratings-on-trustpilot-aSxJa7Q8Fjgl> This means that companies that pay a review company can generate higher scores due to underhand tactics and methods to drive positive reviews. This is more problematic now than fake reviews. A company that pays to be on a review site will typically score 4 or higher. Those that don’t pay score typically less than 2. Individually incentivised reviews do not impact this approach. This example is a systematic business model created by an annual payment. This manipulates customers into thinking service with one company is better than another when the reality can be completely different. 13.2 does not specify this and needs consideration and I do not believe these scenarios will be considered false, misleading or incentivised reviews under the guidance and needs to be factored in.

Do you have any other comments on topics not covered by the specific questions above? If so, the CMA requests that respondents structure their responses to separate out their views in relation to each of the Draft Guidance’s chapters

9.11 Requiring agencies to disclose the names and details of owners of self catering holiday accommodation poses a serious risk of fraud and potentially data privacy issues, in an industry that is already subjected to high levels of fraud. Requiring an

agency to publish the details of owners will only encourage more fake listings of self catering holiday accommodation, phishing attacks and impersonating owners. In addition, many owners use personal home addresses and email addresses, not vague department names (e.g. sales@holidaycompany.com). Furthermore, this will seriously impact the agency model and the good work that is done to prevent fraud, to provide excellent customer service and to ensure effective and secure marketing. An impact assessment should be considered on agencies in the self catering holiday market.

Other information

N/A.
